

## A P P E A R A N C E S

## FOR THE PLAINTIFFS:

Mr. Keith M. Jensen  
LAW OFFICE OF KEITH M. JENSEN  
SBOT NO. 10646600  
514 East Belknap  
Fort Worth, Texas 76102  
Phone: (817) 334-0762

Mr. John W. MacPete  
THE MACPETE LAW FIRM  
SBOT NO. 00791156  
2775 N State Hwy 360, S. 1321  
Grand Prairie, Texas 75050  
Phone: (214) 675-1789

Mr. Curtis Pritchard  
LUMMUS, HALLMAN, PRITCHARD  
& BAKER  
SBOT NO. 16337450  
P. O. BOX 32  
502 North Ridgeway  
Cleburne, Texas 76033  
Phone: (817) 641-4451

Mr. Dan Boulware  
MACLEAN & BOULWARE  
SBOT NO. 02704000  
11 North Main  
Cleburne, Texas 76031  
Phone: (817) 645-3700

## FOR THE NEXTEL DEFENDANTS:

Mr. Timothy W. Mountz  
BAKER BOTTS  
SBOT NO. 14604300  
2001 Ross Avenue  
Dallas, Texas 75201-2980  
Phone: (214) 953-6423

Mr. James W. Cannon, Jr.  
BAKER BOTTS  
SBOT NO. 03746600  
Mr. William Johnson  
SBOT NO. 24002367  
1600 San Jacinto Center  
98 San Jacinto Boulevard  
Austin, Texas 78701-4039  
Phone: (512) 322-2653

Mr. Christopher C. Cooke  
THE COOK LAW FIRM  
SBOT NO. 00795303  
418 West Chambers Street  
Cleburne Texas 76031  
Phone: 817 558-1811

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1 Court to look at each and every number to determine whether  
2 any of these individual facts and circumstances apply to that  
3 particular number.

4 Now, Your Honor, there's some -- I'd like to  
5 make some additional argument, but at this time, in support  
6 of our position, we would like to call Mr. Michael Goodman to  
7 the stand. And after his testimony, I'd like to be able  
8 to -- I'd like to complete my argument.

9 THE COURT: Okay. You may do so.

10 MR. MOUNTZ: All right. And Mr. Johnson is  
11 going to conduct the examination of Mr. Goodman.

12 Mr. Goodman, would you come forward.

13 THE COURT: Please raise your right hand.

14 (One witness sworn by the Court)

15 THE COURT: Please have a seat on the witness

16 E and

17 MR. JOHNSON: Good morning, Your Honor.

18 MICHAEL GOODMAN,

19 having been first duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. JOHNSON:

22 Q Good morning Mr. Goodman. My name is Bill  
23 Johnson. I represent Nextel. We've met before, but can you  
24 please state your full record -- full name for the record?

25 A Michael Goodman.

1 Q And where do you work?

2 A Ikon Office Solutions.

3 Q Okay.

4 MR. JENSEN: Where?

5 THE WITNESS: Ikon Office Solutions, I-K-O-N.

6 Q (BY MR. JOHNSON) How long have you worked with  
7 Ikon?

8 A Fourteen years.

9 Q Okay. So that would date back to around 1988, 89;  
10 is that correct?

11 A Yeah, '89.

12 Q Let me briefly go through your education, if we  
13 could. You received a Bachelor of Science Degree from the  
14 University of Washington in 1983; is that correct?

15 A Correct.

16 Q And then you went onto receive your Masters of  
17 Business Administration also from the University of  
18 Washington in 1986 or 7?

19 A '87.

20 Q Okay. And then from that timeframe, '87 to when  
21 you started at Ikon, what did you do during that timeframe?

22 A I was a small-business consultant for start-up  
23 companies writing business plans.

24 Q And did that, did that work experience involve fax  
25 technology.

1 A Not directly, no.

2 Q Okay. So let's talk about your Ikon experience,  
3 then, from 1989 to the present date.

4 A Okay.

5 Q During those 14 years have you been -- have you  
6 gained any experience in fax technology?

7 A Yeah, throughout the entire term I've been  
8 involved with business communications of all types, but  
9 particularly faxes and office equipment that enable business  
10 communication.

11 Q During that entire time at Ikon, were you involved  
12 in the sale of a variety of types of fax technology, starting  
13 in 1899 (sic) up to the present date?

14 A Yes.

15 Q And during that time, was part of your job to  
16 advise our customers the pros and cons of different types of  
17 fax technology, as it evolved over that time period?

18 A That's correct.

19 Q And was part your job to advise your clients  
20 during that timeframe the costs associated with one type of  
21 fax technology or maybe even the cost associated with sending  
22 a communication without fax technology to a new form or a  
23 more improved form of fax technology?

24 A Yes.

25 Q Is that cost benefit analysis part of your job,

1 MR. JENSEN: Sure. I've already been through  
2 it.

3 Q (BY MR. JENSEN) Let's give some specific  
4 examples. A blackberry in connection with a command.

5 A Uh-huh.

6 Q And a printer has the capacity to print a fax,  
7 right?

8 A Yes.

9 Q A palm pilot, in conjunction with a command and  
10 the periphery of a printer has the capacity to print a fax  
11 advertisement, correct?

12 A Yes.

13 Q Can you identify any instrument that has the  
14 ability to receive a fax transmission that does not have the  
15 capacity to print the fax in conjunction with a command and a  
16 printer?

17 A No.

18 Q Conversely stated, every single instrument in the  
19 world that Michael Goodman knows of that has the capacity to  
20 receive a fax transmission, likewise has the capacity with a  
21 command and a printer to print that fax transmission; is that  
22 correct?

23 A That's correct.

24 Q Did you review Mr. Biggerstaff's deposition, or at  
25 least the portions of it that Mr. Mountz first said were from